

HOUSE No. 757

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to frivolous or bad faith cases in the district and municipal courts of the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT CONCERNING INSUBSTANTIAL, FRIVOLOUS OR BAD FAITH CLAIMS IN DISTRICT AND MUNICIPAL COURTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6E of chapter 231 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 striking out lines 3, 4 and 5, and inserting in place thereof the
4 following:—
5 “Court,” the supreme judicial court, the appeals court, the
6 Boston municipal court, the district court, the housing court, the
7 land court, and the superior court, and any judge or justice
8 thereof;.

1 SECTION 2. The first paragraph of section 6G of chapter 231
2 of the General Laws, as so appearing, is hereby amended by
3 inserting after the second sentence thereof the following sen-
4 tence:— If the matter arises in the district court or in the Boston
5 municipal court, the appeal shall be to a single justice of the
6 appellate division thereof.

1 SECTION 3. The second paragraph of section 6G of
2 chapter 231 of the General Laws, as so appearing, is hereby
3 amended by inserting after the fourth sentence thereof the
4 following sentence:— Any appeal to the appellate division of the
5 district court or of the Boston Municipal court shall proceed in
6 accordance with the District/Municipal Courts Rules for Appellate
7 Division Appeal.